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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,137	02/04/2004	Gerald R. Fischer	12-1202	5082
26294 7590 05/18/2007 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			EXAMINER ZHENG, EVA Y	
			ART UNIT 2611	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/773,137	Applicant(s) FISCHER, GERALD R.	
	Examiner Eva Yi Zheng	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

For the formality of the application under the present office practice, applicant(s) is required to replace "Claims" with "I or We Claim", "The Invention Claimed Is" (or the equivalent) before the Claims part of the specification of the instant applicant. See MPEP 608.01 (m).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Akutsu (US 5,930,246).

a) Regarding to claim 2, Akutsu disclose for use in an ultra wideband (UWB) communication system, a method for communicating binary data as a sequence of UWB pulses using time division multiple access (TDMA), the method comprising:  
allocating a succession of TDMA time intervals to respective users (Fig. 1, wherein Tx1, Tx2....Txn are corresponding to user 1, user 2.....user n, respectively; Col 1, L15-47);

transmitting multiple data pulses in a first TDMA time interval (Tx1, it is well known that in a TDMA system each frame having a plurality of time slots and each time slot transmitting a plurality of data bits or symbols); and

receiving multiple return data pulses later in the same TDMA time interval (Rx1 in Fig. 1).

b) Regarding to claim 3, Akutsu disclose a method as defined in claim 2, wherein:  
the multiple data pulses are transmitted to a first user (Tx1 a first user; it is well known that in a TDMA system each frame having a plurality of time slots and each time slot transmitting a plurality of data bits or symbols); and

the multiple return data pulses are received from the same first user (Rx1 in Fig. 1).

c) Regarding to claim 4, Akutsu disclose a method as defined in claim 3, wherein the method further comprises:

transmitting multiple data pulses to a second user in a second TDMA time interval (Tx2 in Fig. 1); and

receiving multiple return data pulses from the second user in the second TDMA time interval (Rx2 in Fig.1).

d) Regarding to claim 6, Akutsu disclose for use in an ultra wideband (UWB) communication system, a method for communicating binary data as a sequence of UWB pulses using time division multiple access (TDMA), the method comprising:

allocating subintervals of each TDMA time intervals to different users (Fig. 1,

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wherein Tx1, Tx2....Txn are corresponding to user 1, user 2.....user n, respectively;

Col 1, L15-47);

transmitting multiple data pulses in a first TDMA time interval, wherein the data pulses are address to separate multiple users (Tx1, Tx2....Txn, it is well known that in a TDMA system each frame having a plurality of time slots and each time slot transmitting a plurality of data bits or symbols); and

receiving multiple return data pulses later in the same TDMA time interval, wherein the return data pulses are received from separate multiple users (Rx1, Rx2,...Rxn in Fig. 1).

e) Regarding to claim 7, Akutsu disclose a method as defined in claim 6, wherein the method further comprises:

transmitting multiple data pulses to a multiple user in a second TDMA time interval (continuously transmitting Tx1, Tx2....Txn in second frame duration as shown in Fig. 1); and

receiving multiple return data pulses later in the same second TDMA time interval (continuously receiving Rx1, Rx2,...Rxn in second frame duration as shown in Fig. 1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akutsu (US 5,930,246) in view of Honkasalo et al (US 6,101,176).

a) Regarding to claim 1, Akutsu disclose for use in an ultra wideband (UWB) communication system, a method for communicating binary data as a sequence of UWB pulses using time division multiple access (TDMA), the method comprising:

allocating a succession of TDMA time intervals to respective users (Fig. 1, wherein Tx1, Tx2....Txn are corresponding to user 1, user 2.....user n, respectively; Col 1, L15-47);

transmitting a first user pulse in a first TDMA time interval (Tx1);

receiving a first user return pulse in the first TDMA time interval (Rx1);

transmitting a second and other user pulses in a second and subsequent respective TDMA time intervals (Tx2,....Txn); and

receiving a second user return pulse in the second TDMA time interval, and other user pulses in subsequent respective TDMA time intervals (Rx2,...Rxn).

Akutsu disclose all the subject matters above except for the specific teaching of at least twice propagation delay between TDMA time intervals.

However, Honkasalo et al disclose in a TDMA system signals are divided into disjoint time slots. Different time delays can be used to distinguish signals in order to avoid interference (Col 1, L59-67). It is obvious to utilize twice amount of delay times as needed to avoid signal interference. Therefore, it is obvious to one of ordinary skill in art to combine the TDMA time delay teaching of Honkasalo et al with the TDMA system of

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Akutsu. By doing so, avoid signal interference and co-channel collision in a TDMA communication system.

b) Regarding to claims 5 and 8, Akutsu disclose all the subject matters above as explained in the rejection apply to claims 2 and 6 except for the specific teaching of at least twice propagation delay between TDMA time intervals.

However, Honkasalo et al disclose in a TDMA system signals are divided into disjoint time slots. Different time delays can be used to distinguish signals in order to avoid interference (Col 1, L59-67). It is obvious to utilize twice amount of delay times as needed to avoid signal interference. Therefore, it is obvious to one of ordinary skill in art to combine the TDMA time delay teaching of Honkasalo et al with the TDMA system of Akutsu. By doing so, avoid signal interference and co-channel collision in a TDMA communication system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Y Zheng whose telephone number is 571-272-3049. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eva Yi Zheng  
Examiner  
Art Unit 2611

May 10, 2007

  
CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER